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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/730,117	12/09/2003	Sugio Makishima	2091-0304P	4321
2292 7590 06/25/2010 BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747				
EXAMINER				
BEMBEN, RICHARD M				
ART UNIT		PAPER NUMBER		
2622				
NOTIFICATION DATE		DELIVERY MODE		
06/25/2010		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Examiner-Initiated Interview Summary		Application No. 10/730,117	Applicant(s) MAKISHIMA ET AL.	
		Examiner RICHARD M. BEMBEN	Art Unit 2622	

All Participants: (1) RICHARD M. BEMBEN.
(2) Paul T. Sewell (Reg. No. 61,784).

Date of Interview: 18 May 2010

Status of Application: 98
(3) _____.
(4) _____.

Time: 9AM EST

Type of Interview:
☒ Telephonic
☐ Video Conference
☐ Personal (Copy given to: ☐ Applicant ☐ Applicant's representative)

Exhibit Shown or Demonstrated: ☐ Yes ☒ No
 If Yes, provide a brief description: _____.

Part I.
 Rejection(s) discussed:

 Claims discussed:
 1, 8, 9

 Prior art documents discussed:
 U.S. Patent No. 6,094,217 issued to Nishimura

Part II.
 SUBSTANCE OF INTERVIEW DESCRIBING THE GENERAL NATURE OF WHAT WAS DISCUSSED:
See Continuation Sheet

Part III.
☒ It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview directly resulted in the allowance of the application. The examiner will provide a written summary of the substance of the interview in the Notice of Allowability.
☐ It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview did not result in resolution of all issues. A brief summary by the examiner appears in Part II above.

(Applicant/Applicant's Representative Signature – if appropriate)

Continuation of Substance of Interview including description of the general nature of what was discussed: The Examiner considered the IDS filed 15 March 2010 and found the Nishimura patent to anticipate independent claims 1 and 9 but not dependent claim 8 (as presented in the 11 January 2010 amendment). The Nishimura reference qualifies as a 35 U.S.C. 102(e) reference and is commonly assigned to the Applicant. As such, the Applicant could disqualify prior art (a secondary reference) used to reject claim 8 under 35 U.S.C. 103(c) by establishing common ownership of the Nishimura patent. MPEP 706.02(I) [R-6]. Therefore, the Examiner indicated to the Applicant that if the Applicant established common ownership of the Nishimura patent and incorporated the limitations of dependent claim 8 into independent claims 1 and 9, the application would be in condition for allowance. Applicant agreed to amend the claims as suggested by the Examiner and to fax a statement of common ownership of the Nishimura patent to the Examiner.